

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MARK R. ZANA,

Petitioner,

vs.

DWIGHT NEVEN, *et al.*,

Respondents.

2:12-CV-01013-JCM-VCF

ORDER

Mark Zana, a prisoner at High Desert State Prison, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 and numerous exhibits. (ECF Nos. 1-11.) Petitioner is represented by retained counsel. Petitioner has paid the filing fee for this action. (ECF No. 1.) The petition has been filed and served on respondents.

A petition for federal habeas corpus should include all claims for relief of which petitioner is aware. If petitioner fails to include such a claim in his petition, he may be forever barred from seeking federal habeas relief upon that claim. *See* 28 U.S.C. §2254(b) (successive petitions). If petitioner is aware of any claim not included in his petition, he should notify the court of that as soon as possible, perhaps by means of a motion to amend his petition to add the claim.

IT IS THEREFORE ORDERED that respondents shall have **forty-five (45)** days from entry of this order within which to answer, or otherwise respond to, the petition. In their answer or other response, respondents shall address any claims presented by petitioner in his petition as well as any claims presented by petitioner in any statement of additional claims. Respondents

1 shall raise all potential affirmative defenses in the initial responsive pleading, including lack of
2 exhaustion and procedural default. **Successive motions to dismiss will not be entertained.** If an
3 answer is filed, respondents shall comply with the requirements of Rule 5 of the Rules Governing
4 Proceedings in the United States District Courts under 28 U.S.C. §2254. If an answer is filed,
5 petitioner shall have **forty-five (45) days** from the date of service of the answer to file a reply.

6 **IT IS FURTHER ORDERED** that, henceforth, petitioner shall serve upon the
7 Attorney General of the State of Nevada a copy of every pleading, motion, or other document he
8 submits for consideration by the court. Petitioner shall include with the original paper submitted for
9 filing a certificate stating the date that a true and correct copy of the document was mailed to the
10 attorney general. The court may disregard any paper that does not include a certificate of service.
11 After respondents appear in this action, petitioner shall make such service upon the particular deputy
12 attorney general assigned to the case.

13 **IT FURTHER IS ORDERED** that any state court record exhibits filed by either
14 party herein shall be filed with a separate index of exhibits identifying the exhibits by number or
15 letter. The CM/ECF attachments that are filed shall further be identified by the number or numbers
16 (or letter or letters) of the exhibits in the attachment. A hard copy of any additional state court record
17 exhibits shall be forwarded – for this case – to the staff attorneys in Reno. Petitioner shall ensure
18 that a hard copy of the exhibits already filed electronically shall also be forwarded to the staff
19 attorneys in Reno.

20
21 Dated this 19th day of June, 2012.

22
23 
UNITED STATES DISTRICT JUDGE